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OCA/CONGRESSIONAL AFFAIRS
86-3301

24 September 1986

MEMORANDUM FOR: (See Distribution)

FROM: [redacted] STAT
Deputy Director for Legislation
Office of Congressional Affairs

SUBJECT: Legislative Program for the 100th Congress
DCI Approval and Transmittal to OMB

1. On September 19, 1986, the Director of Central Intelligence approved the "Central Intelligence Agency and Intelligence Community Proposed Legislative Program for the First Session of the 100th Congress".

2. The Program, as approved, is being transmitted to the Office of Management and Budget. A copy is attached for your information.

3. Within the next several weeks we expect to begin preparing for circulation and comment by the Community a draft of the proposed Intelligence Authorization Act for Fiscal Year 1988.

[redacted] STAT
Deputy Director for Legislation
Office of Congressional Affairs

Attachment
as stated

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CENTRAL INTELLIGENCE AGENCY
AND
INTELLIGENCE COMMUNITY
PROPOSED LEGISLATIVE PROGRAM
FOR THE FIRST SESSION
OF THE 100th CONGRESS

(Asterisk indicates those items currently included in either H.R. 4759 or S. 2477, the House and Senate versions, respectively, of the Fiscal Year 1987 Intelligence Authorization Bill)

LEGISLATIVE PROPOSALS

100/1 - 1: **Fiscal Year 1988 Intelligence Authorization Act**

The Director of Central Intelligence will submit to the Office of Management and Budget for clearance a proposed Fiscal Year 1988 Intelligence Authorization Act for transmittal to the Congress.

100/1 - 2: **Protection of Intelligence Information**

The Director of Central Intelligence may propose legislation to provide criminal penalties for the unauthorized disclosure of classified information by federal employees, by others having authorized access to it and by those who acquire and disclose it without authorized access. The DCI may support this proposal as contained in other legislation.

100/1 - 3: **Right To Financial Privacy Act Amendment**

The Director of Central Intelligence (DCI) may propose legislation to clarify the Agency's authority to examine the financial records of employees where grounds exist to believe they may be

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vulnerable to a counterintelligence threat. The DCI may also support extensions of any such authority to other agencies in the Intelligence Community as appropriate.

100/1 - 4: Department of Defense Proprietaries

At the request of the Department of Defense, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act legislation which would grant the Department of Defense authority to establish and operate corporations or other business entities in support of authorized and appropriately coordinated intelligence activities and may support this proposal as contained in other legislation.

*100/1 - 5: Exemption from Requirement to Publish Record Disposal Requests

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act legislation to amend the U.S. Code to exempt the Central Intelligence Agency and the National Security Agency from the requirement that the Archivist publish in the Federal Register the records disposal requests for the purpose of soliciting public comment.

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*100/1 - 6/A

Survivor and Health Benefits for Certain Former Spouses of CIA Employees

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence may include in the Fiscal Year 1988 Intelligence Authorization Bill an amendment to the law governing the Central Intelligence Agency Retirement and Disability System (CIARDS) so as to provide survivor benefits for certain former spouses divorced prior to the effective date of the CIA Spouse Equity Act of 1982 (15 November 1982) and health benefits for certain former spouses divorced prior to the effective date of the Civil Service Spouse Equity Act (7 May 1985).

100/1 - 6/B

Conformance of Certain Provisions of CIARDS with P.L. 98-615

The Director of Central Intelligence may propose legislation to amend the law governing the Central Intelligence Agency Retirement and Disability System (CIARDS) so as to incorporate certain former spouse entitlements which were made available to former spouses or participants in the Civil Service Retirement System by passage of the Civil Service Spouse Equity Act of 1984.

100/1 - 7:

FOIA Relief for FBI

In addition to the relief from the provisions of the Freedom of Information Act (FOIA) currently being sought by the Federal Bureau of Investigation (FBI) and the Department of Justice, the Director of Central Intelligence, at FBI's request, may concur in an

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amendment to the FOIA which would exempt FBI's counterintelligence files from the provisions of the FOIA that require search, review, and publication, provided those files are not older than five years.

*100/1 - 8: Access by FBI to Financial Records For Counterintelligence Purposes

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), an amendment to the Right to Financial Privacy Act that would require financial institutions to comply with requests by the FBI for financial records when such requests have been approved by the Attorney General or his designee for counterintelligence purposes.

100/1 - 9: Access by FBI to Tax Records for Counterintelligence Purposes

The Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), legislation that would authorize the FBI, upon approval by the Attorney General or his designee, to receive tax return and taxpayer information regarding individuals that are the subject of a counterintelligence investigation.

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*100/1 - 10: Access by FBI to Toll Records For Counterintelligence Purposes

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), legislation that would require telephone companies to comply with requests by the FBI for toll records when such requests have been approved by the Attorney General or his designee for counterintelligence purposes.

*100/1 - 11: Authority to Expend Funds for Consultation with Foreign Officials

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI) and the Department of Defense (DoD), legislation that would authorize the expenditure of funds to bring foreign officials who have counterintelligence responsibilities in their own countries to the United States for consultation with FBI and DoD representatives.

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*100/1 - 12: Access by FBI to State and Local Criminal Records

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI), legislation that would authorize access by the FBI to state and local criminal records for purposes of determining eligibility for access to classified information.

*100/1 - 13: Loss of Federal Pension for Violation of Intelligence Identities Protection Act

If it does not become law as part of the Intelligence Authorization Act for Fiscal Year 1988, the Director of Central Intelligence may include in the proposed Intelligence Authorization Act for Fiscal Year 1988 a provision providing for the loss of federal pension for a federal employee convicted of a violation of the Intelligence Identities Protection Act.

*100/1 - 14: Defense Intelligence Agency (DIA) Proposal to Extend Termination Authority of Secretary of Defense with Respect to Defense Intelligence Agency Civilian Personnel

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Defense Intelligence Agency (DIA), an amendment to Chapter 83 of title 10, United States Code, to extend for two

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additional fiscal years the authority of the Secretary of Defense to terminate the employment of DIA civilian personnel originally provided in Title V of the Fiscal Year 1985 Intelligence Authorization Act.

*100/1 - 15: Department of Defense Proposal to Extend the Provision of Section 1604, P.L. 98-618, to the Military Departments

Title V of the Fiscal Year 1985 Intelligence Authorization Act (P.L. 98-618) entitled, "Defense Intelligence Agency Personnel Management Improvements," granted the Secretary of Defense certain personnel management authorities with regard to civilian officers and employees in the Defense Intelligence Agency. If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of Department of Defense, legislation to extend these authorities to civilian officers and employees in the intelligence organizations of the military departments.

*100/1 - 16: Exchange of Mapping, Charting, and Geodetic Data with Foreign Nations

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Department of Defense, legislation which would clarify the authority of the Defense Mapping Agency to exchange or furnish

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mapping, charting and geodetic (MC&G) data, supplies or services to a foreign country pursuant to an agreement for the production or exchange of MC&G data.

*100/1 - 17: Related Travel and Medical Care Expenses for Defense Intelligence Agency Civilian Employees Serving Overseas

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Defense Intelligence Agency (DIA), legislation to provide DIA the authority to pay for travel and related expenses in connection with obtaining necessary medical care for DIA civilian employees serving abroad equivalent to that now available to employees of the Central Intelligence Agency, the National Security Agency, and the Foreign Service.

*100/1 - 18: Acceptance of DCI Awards by Military Intelligence Personnel

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the Department of Defense, legislation to ensure that there is authority for the granting and acceptance of incentive awards for service performed by civilian and military personnel for intelligence-related activities.

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*100/1 - 19: NSA Guard Force

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act, at the request of the National Security Agency (NSA), legislation to authorize NSA personnel to assume with respect to certain NSA facilities the protective service functions currently performed there by personnel of the General Services Administration.

*100/1 - 20: NSA Critical Skills Tuition Assistance Program

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act a provision granting to the National Security Agency (NSA) the authority to establish a "critical skills" college tuition assistance program. Under this program, NSA could offer tuition assistance to those student employees pursuing a course of studies in a designated "critical skills" area: mathematics, foreign languages, computer sciences, etc.

100/1 - 21: Clarification of CIA/NSA/DIA Drug & Alcohol Abuse Authorities

In light of the uncertainty created by recent case law concerning alcohol and drug abuse, the Director of Central Intelligence may propose or support legislation to ensure that the Central Intelligence Agency, the National Security Agency and the Defense Intelligence Agency are able

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to continue to deal with security problems in the area of alcohol and drug abuse without regard to the provisions of any other law, rule, or regulation.

100/1 - 22: Congressional Security Survey

The Director of Central Intelligence (DCI) may support or propose legislation to authorize the provision of Executive Branch assistance to the Congress in conducting a comprehensive assessment of Congressional personnel and physical security needs.

100/1 - 23: Foreign Agents Training Act Amendment

The Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act a proposal to amend the Foreign Agent Training Act to make clear that individuals who have received training in espionage by a foreign government, but who have failed to register as required by that Act, cannot subsequently cure the violation through registration. The proposal would also increase the penalty for failing to register as required by the Act.

*100/1 - 24: CIA Critical Skills Tuition Assistance Program

If it does not become law as part of the Fiscal Year 1987 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1988 Intelligence Authorization Act a provision expanding the authority of the Central Intelligence Agency (CIA) to establish a "critical skills" college tuition assistance program.

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Under this program, CIA could offer tuition assistance to those student employees pursuing a course of studies in a designated "critical skills" area: mathematics, foreign languages, computer sciences, etc. This item is similar to item 100/1 - 20 as related to the National Security Agency.

100/1 - 25: Repeal of Outdated, Unnecessary or Burdensome Reporting Requirements and Programmatic Restrictions

The Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act, and/or in the materials transmitted to the Congress in connection therewith, provisions designed to repeal outdated, unnecessary or burdensome reporting requirements and programmatic restrictions.

100/1 - 26 Foreign Cryptography Control

At the request of the National Security Agency (NSA), the Director of Central Intelligence may propose or support legislation granting the Secretary of Defense and the Director of NSA the authority to prevent the introduction of foreign-manufactured cryptography into governmental inventories and to bar foreign companies from accessing governmental cryptography.

100/1 - 27 Tax Exemption For Allowances Paid to Certain NSA Employees

At the request of the National Security Agency (NSA), the Director of Central Intelligence may include in the proposed Fiscal Year 1988

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Intelligence Authorization Act an amendment to the Internal Revenue Code to exempt from taxation allowances paid to certain NSA employees under the NSA Act of 1959. Currently, these same allowances as paid to employees of the Foreign Service and the Central Intelligence Agency are tax exempt .

100/1 - 28 Retroactive Pay for Certain NSA Employees

At the request of the National Security Agency (NSA), the Director of Central Intelligence may include in the proposed Fiscal Year 1988 Intelligence Authorization Act an amendment to the NSA Act of 1959 to authorize the award to otherwise eligible NSA employees of the retroactive pay benefits awarded to certain non-NSA employees by virtue of the decision in Squillacoate v. United States, 739 F.2d 1208 (7th Cir. 1984), cert. denied, 105 S.C. 2021 (1985).

100/1 - 29 Ensuring Continuity of DCI Function

The Director of Central Intelligence (DCI) may propose or support legislation to ensure greater continuity in the exercise of the DCI function when the DCI or the Deputy Director for Central Intelligence are not able to exercise that function.

100/1 - 30 Limited, Intelligence-Related Interlocutory Appeal Authority

The Director of Central Intelligence (DCI) may propose legislation authorizing an interlocutory appeal by the United States in certain cases involving intelligence agencies. The appeal would be allowed from a decision of a United States court on an evidentiary ruling or dispositive motion which would significantly impair intelligence agency authorities.

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100/1 - 31: Equalization of Uniform Allowance for Certain Foreign National Employees Employed by the Defense Intelligence Agency in Embassies Abroad

The Director of Central Intelligence may, at the request of the Defense Intelligence Agency (DIA), propose legislation to provide the Director, DIA, the authority to pay certain foreign national employees employed by DIA in embassies abroad an annual uniform allowance equivalent to that paid by the Department of State to foreign national employees in similar positions.

100/1 - 32: Exemption for the Defense Intelligence Agency (DIA) from Certain Federal Personnel Data Reporting Requirements

The Director of Central Intelligence at the request of the Defense Intelligence Agency (DIA), may propose a statutory exemption for DIA from certain routine, unclassified federal personnel data reporting requirements.

100/1 - 33: Eligibility of Defense Intelligence Agency Military Attaches and Civilian Personnel Assigned to Defense Attache Offices for Department of Defense Death Gratuity for Members and Employees Assigned to Intelligence Duties Abroad

The Director of Central Intelligence may propose, at the request of the Defense Intelligence Agency, an amendment to Chapter 75 of Title 10 United States Code, to allow surviving dependents of military attaches and civilian personnel supporting such attaches killed while serving in embassies abroad to be

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eligible for the current Department of Defense death gratuity available to surviving dependents of members of the Armed Forces and Department of Defense employees killed while assigned to intelligence duties abroad.

100/1 - 34: Secure Promotions For Certain Military Intelligence Officers

The Director of Central Intelligence, at the request of the Department of the Army, may purpose legislation to establish a method of securely promoting certain U.S. Army military intelligence officers. Currently, these officers are promoted in accordance with an unwritten agreement between the Congress and the Executive. The legislative proposal would establish a viable permanent method for their secure promotion.

100/1 - 35: Intelligence Identities Protection Act

The Director of Central Intelligence, at the request of the Department of the Army, may submit legislation to amend the Intelligence Identities Protection Act so as to include within the protection of that Act two classes of Army human intelligence sources who appear to be excluded from coverage of the Act.

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OCA 86-3034

SUBJECT: Legislative Program for 100th Congress - Request for Transmission to OMB
(Final Draft submitted 22 September 1986)

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